

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

TYRONE J. DEVERS,

Defendant.

8:07CR362

ORDER

Defendant Tyrone J. Devers (Devers) appeared before the court on July 17, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 59). Devers was represented by Glenn A. Shapiro and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, Devers requested a probable cause hearing on pursuant to Fed. R. Crim. P. 32.1(a)(1). The government requested detention. A combined probable cause and detention hearing was scheduled for July 19, 2013. Thereafter, the court granted Devers' request for a continuance of the hearing to July 22, 2013.

Devers again appeared before the court on July 22, 2013, with his counsel, Mr. Shapiro. The United States was represented by AUSA Norris. The court heard the testimony of U.S. Probation Officer Harriette D. Washington and received into evidence three Omaha Police Department (OPD) reports regarding the incident on June 17, 2013, and the results of a search warrant executed at Devers' residence on July 10, 2013. The court finds there is probable cause to believe the violations have occurred and Devers has violated the conditions of his supervised release as alleged, and Devers should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

Since it is Devers' burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, I find he has failed to do so. In light of Devers' previous criminal record including the circumstances of the current violations, the court finds Devers to be both a flight risk and a danger to the community. Devers should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on September 5, 2013.** Defendant must be present in person.
2. Defendant Tyrone J. Devers is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 22nd day of July, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge